



The Industry Voice for Workplace Solutions

June 24, 2002

Ms. Susan L. Schneider
Defense Acquisition Regulations Council
OUSD (AT&L) DP (DAR)
IMD 3C132
3062 Defense Pentagon
Washington, D.C. 20301-3062

Re: DFARS Case 2002-D003
Defense Federal Acquisition Regulation Supplement (DFARS); Competition
Requirements for Purchases from a Required Source

Dear Ms. Schneider:

The following comments are being submitted by BIFMA International in reference to the interim rule implementing Section 811 of the National Defense Authorization Act for Fiscal Year 2002. BIFMA International is a not-for-profit trade association of furniture manufacturers and suppliers representing over 80% of the value of North American shipments of office furniture.

Implementation of Section 811 is extremely important to our industry because our members will no longer be unfairly prohibited from offering their products to their own government. Federal Prison Industries (FPI), Inc. will no longer be able to force their products upon DoD. At the same time, FPI will not be excluded from the federal marketplace as our businesses have been through the years.

The interim rule states that "Section 811 requires DoD to conduct market research before purchasing a product listed in the FPI catalog, to determine whether the FPI product is comparable in price, quality, and time of delivery to products available from the private sector." The final rule should give contracting officers as much flexibility as they need to purchase goods for the Department of Defense. Contracting officers should not have their hands tied when procuring goods since each division of the agency may have different needs and the best person to make these decisions is the contracting officer.

Once a decision is made that FPI's product is not comparable, DoD must use competitive procedures to acquire the product. In conducting such a competition, DoD must consider a timely offer from FPI but this nicety should not hold up the competitive process. FPI should be allowed to bid along with any other vendor but waiting for their "timely offer" or allowing any control of the purchasing timetable by FPI would drag the process into the same nightmarish grip that their monopolistic waiver process has held agencies in the past.

We believe that Congressional intent is clear. The goal was to eliminate mandatory source and replace it with competitive procedures giving DoD the right to procure quality goods that meet their needs and their budgets. The customer is back in charge now.

Sincerely,

A handwritten signature in black ink that reads "Brad Miller". The signature is written in a cursive, slightly slanted style.

Brad Miller

Manager of Communications & Government Affairs